

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IRISH ISLE PROVISION CO., : **CIVIL ACTION NO. 4:12-CV-0778**

:
Plaintiff, : **(Judge Conner)**

:
v. :

POLAR LEASING CO., :
GO MINIS INC., :

:
Defendants :

ORDER

AND NOW, this 30th day of August, 2012, upon consideration of the motion to dismiss (Doc. 7), filed June 22, 2012 and supporting brief (Doc. 10) filed June 25, 2012, by defendant Polar Leasing Company (“Polar Leasing”), and upon further consideration of the amended complaint (Doc. 17), filed on August 28, 2012, and it appearing that a party may amend its pleading once as a matter of course within twenty-one (21) days after serving it, or within twenty-one (21) days after service by the opposing party of a motion filed pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, see Fed. R. Civ. P. 15(a)(1)(A)-(B), and this court finding that such an amended complaint would have been due by July 13, 2012, twenty-one days after the motion to dismiss was filed. And the court noting that under Federal Rule of Civil Procedure 15(a)(2) written consent from the opposing party or leave of court is now required, and the court finding no consent has been received nor has leave been sought, see Fed. R. Civ. P. 15(a)(2); Campbell v. Soc. Sec. Admin., 446 F. App’x 477, 481-82 (3d Cir. 2011), therefore, it is hereby ORDERED that:

1. Irish Isle's amended complaint (Doc. 17) is STRICKEN without prejudice to seek consent of Defendants or leave of court to re-file.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge